

Commercial Motor Vehicle Work Group Meeting
March 13, 2006

I. Welcome and Introductions

A. Darrell Jernigan welcomed everyone and thanked them for coming. He informed the group that the purpose of this meeting is for everyone to get to know each other and determine what everyone thinks is most important about commercial motor vehicle safety. As the group moves forward, he hopes to create strategies and present them to the ECHS.

B. Attending:

Darrell Jernigan GHSP	John Stokes GHSP	Beth Horner GHSP	Cliff Braam, NC DOT Traffic Engineering
Fred Rosendahl NC DOT Traffic Engineering	J. Max Tate FHWA	J.C. Miller Roadway Express	Charlie Diehl N.C. Trucking Association
Robert Flynt Greensboro Police	Tammy C. Denning NC DOT Permit Unit	Rick Cates N.C. Trucking Association	David Munday NC SHP
Kevin Lacy NC DOT Traffic Engineering	Charlie Carden NC SHP	Tony Wyatt NC DOT Traffic Engineering	Will Williamson NCDMV/DOT
Kevin Breedlove FMCSA	Chris Hartley FMCSA	Catherine McLaurin GHSP	

II. Purpose and Objectives for the Group

A. Jernigan told the group that the GHSP has already applied for a grant to address commercial motor vehicle safety. The mission of this effort is supported by the following goals:

1. To reduce the number of injuries and fatalities on the state's roadways through the efficient use of highway safety resources available on the local, state and national level. These resources include both public and private sources.
2. To develop and implement a strategic Highway Safety Plan identifying problems, programs and action plans for addressing the nine 402 priority program areas – alcohol and other drug programs, occupant restraints, traffic records, police traffic services, emergency medical services, speed control, motorcycles, pedestrians, bicycles and roadside safety.
3. To promote a wellness lifestyle through the involvement of health professionals in traffic safety and to apply public health techniques to the highway crash problem.
4. To increase public awareness of traffic safety issues and the impact traffic safety has on the state.
5. To provide technical assistance, including training, to communities, state agencies, private sector groups and key practitioners.

B. Jernigan mentioned several problems involving commercial motor vehicles that occurred in 2004:

1. 1/8 crashes (almost 13%) in N.C. involved CMV in 2004
2. N.C. ranked 5th in the nation for CMV fatalities

III. Open Discussion

- A. Darrell Jernigan called on Chris Hartley, Kevin Lacy and Fred Rosendhal to give a brief summary of what they think the problems are.
- B. Kevin Lacy: This is a complicated issue that can't be answered in a few minutes. We have an information problem, an engineering problem, an enforcement problem, a public perception problem...it's a comprehensive problem that will take a comprehensive approach to have any benefits in the long run. It's easy to place blame on one small group but this fragments the comprehensive approach. Need to come up with a comprehensive approach that addresses each of these issues. We need help from people with different perspectives in order to address CMV safety. Hopes that this group can do this. In the past couple of years Lacy has wanted to redraw baselines because we can't change the past.
- Major Carden said about 73% crashes are the fault of the passenger vehicles surrounding CMV. There is a perception issue with the public always believing it is the CMV operator's fault. Said Federal Motor Carrier hasn't always been supportive of HP regulating passenger vehicles around CMV. Federal Motor Carrier now is supportive of this.
 - Lacy: Traffic engineering has looked at statistics- 98% people who die in CMV crashes are not CMV operators. If you look at it another way, about 40% crashes are CMV operator's fault. We need to look at what will accomplish results in the long run. Maybe not just enforcement.
 - Jernigan: enforcement and education will last longer.
 - Diehl: FARS data- every state treated the same regardless of miles of paved road, etc. FARS data bases rankings on number of fatalities only. There is no way with all the commercial and regular traffic in N.C. that we will ever have fewer fatalities than smaller states. That is one of the reasons we are always in the top 10- heavily populated, lots of paved roads. Although it is a reason, it's not an excuse. We need to do the best we can- if the best rank we can achieve is #8, we need to be at #8.
- C. Group Discussion
- Jernigan: Just like safety belt usage, we know not 100% will buckle up but every time we get an extra percent, half of a percent, we save lives.
 - Major Carden: N.C. is a bridge state so we need to keep this in mind. A lot of CMV operators are worn out when they reach N.C.
 - Chris Hartley: U.S. Congress just appropriated for "Safety Lou." One of the big parts is that each state will submit comprehensive highway safety plan to receive funds. This also includes other funding initiatives that we haven't normally focused on. This year there is an opportunity for high priority funding for any highway safety agency. Already looking beyond normal enforcement agency to do CMV.
- Crash Causation study is about to be released. Wake County was a study county: driver issue (inattentiveness, etc). Safe Lou said there will be shift to falsification of documents, fatigue, illegal running, etc.
- Problems currently working on in N.C.: crash data problem. N.C. is a red state because there is no accurate crash data. Working with HP. Driver

problem remains big problem in N.C. Last big problem is enforcement. Out of 24,000 CMV operators driving in and out of N.C., about 14,300 have been touched by law enforcement (stopped, involved in crash, etc). Don't know about CMV operators that never leave the state. No measurement of this. No regulation of drivers who don't leave the state except roadside. Ultimate goal: when you get CMV license, either get NCDOT or USDOT number.

Successes: Addition of 14 full-time truck officers. Patrol has started training officers to look for problem drivers. Assisted patrol's weight problem for the first time in years. Given grant to patrol- new entry program. This program says that every new operator must have new entrant audit in first 18 months. Sixteen new positions in patrol that are civilian, not troopers. Helps with manpower to conduct audits before the 18th month. This will be a permanent fixture. These people only touch those operators that cross state lines. Hope to one day touch those who only drive within the state as well. N.C. has only procedure in country of taking license from CMV operators who test positive for drugs. In other states you may become fired but can find another job immediately. In N.C. the company has to report this violation. Thinks this may serve as model for nation.

- Jernigan: currently, troopers take CMV operator's licenses if BAC is at .04 or higher
- Major Carden thinks this should be .00; Rick Cates agrees but doesn't think it should carry a criminal charge.
- Chris Hartley said with Safety Lou, if a CMV is brought in, FMC can take license plates.
- Jernigan asked J.C. Miller for his opinion.
- Miller: problem doesn't lie in drivers that are members of N.C. Trucking Association. Everyone works together to train safe drivers. He sees the problem in the companies whose trucks pass through N.C. (from NY to Florida, end of I-40, etc.) So many companies in N.C. where drivers are concerned about highway safety. Companies based outside N.C. and smaller companies operating in the state are the problem. Road designations should change. Overall, thinks putting blame on N.C. trucking companies is not the way to approach the problem. N.C. companies drug test, make sure drivers have tools to be safe, etc. Problem is trucks in small operations or out-of-state companies.
- Diehl thinks that the smaller the operator, the more likely to be cutting corners in terms of hours of operation, drug testing, etc. Bigger problem is operations where trucking is incidental- trucking is not primary business. Companies only have trucks to do what they do (transport goods). Every crash reflects on N.C. Trucking Association so NCTA has to reach out to non-members as well.
- Hartley: In conversations with Trucking Association they have realized that a lot of messages don't reach smaller companies. Almost finished with educational video that will be mailed to operators about two months

before audit. Will show patrol inspection, links to safety Web sites. Plans to produce about 40,000 to send out-of-state and in state. Wants to have something there for new entrants. Agrees that those who are thinking about safety every day are not the problem. New entrants are problem. Can't impede commerce so it's a difficult balance. Need to catch drivers early enough to prevent safety issues.

- Jernigan: HP Motor Carrier can't be everywhere all the time. How many local officers are trained for CMV enforcement?
- Flynt: very few local officers are trained about what to look for. Officers get license but they don't know what they're looking at. Because of staffing, manpower and allocation, local agencies are reluctant to get someone to come out (who is trained) to do an inspection. Consistency across states about how rules are applied is a confusing issue not only for enforcement but for industry too. Out-of-state drivers don't know how laws are enforced in N.C.
- Jernigan thinks N.C. needs to have the reputation of being strong regulation enforcers. This will help out-of-state drivers pay attention when entering N.C. Agrees with manpower problem.
- Flynt: Went through training in past but didn't have authority to enforce. Legislatively, HP is only ones able to conduct roadside inspections.
- Major Carden: HP and local officers are on different systems so this is difficult to do. A lot of crashes happen on private property. When you begin to look at the numbers of fatalities, most don't happen in city limits. Happen on some secondary road in N.C. Most crashes involve smaller companies with less than 50 trucks. Provided CMV awareness training to every major police department a few years ago (what to look for, etc) but with turnover, this isn't effective anymore. Maybe HP should do this again. Local officers are able to enforce speeding, etc. CMV violations require calling HP to issue violation.
- Jernigan asked if most officers pay attention to CMV
- Flynt doesn't think so, Miller agrees.
- Flynt said that in years past, there was no training. Now there is a component in BLET. There is hesitancy in stopping CMV. With every rule there is an exception and unless you specialize in that area there is hesitancy.
- Hartley: there is a big burden on meeting specifications to receive federal funding. This is why HP takes lead on CMV enforcement. Even large local PD doesn't have training for CMV. This has been challenging task nationwide.
- Lacy: If local law enforcement officers are trained as far as when to recognize a problem, could they ask for log book and not know what log book looks like? Are officers being trained to look for inebriation? Local officer then has to stay with CMV until motor carrier officer arrives to enforce problem.
- Flynt said this is done; officers do wait with CMV operators.
- Hartley: why not look at BLET education? Do video, etc.

- Jernigan: Wake, Mecklenburg, Guilford and Buncombe are problem areas. With buy-in of police chiefs we should do some education, possibly including funding for personnel.
- Lacy: What is involved to train someone to do driver inspection?
- Breedlove: not that difficult if this is done frequently but becomes more difficult without practice.
- Major Carden: What rule applies to this person? We could identify the simplest things that officers could do.
- Breedlove: Maybe we should focus on higher profile efforts.
- Hartley: No funding for local departments unless certified by FMC. Officer can only issue violation for levels 1-5 violations.
- Diehl: general public perception is that local officers do not pull over CMV operators.
- Miller: if you're going to issue video, it should be short and sweet with simple questions that would give officers awareness.
- Lacy mentioned changing legislation if necessary. Things going on within DOT that will hopefully make trucking safer.
- Miller: company doesn't have transponders
- Lacy: look at how drivers are paid. Does this encourage outcomes that are not favorable? If paid by mile CMV drivers speed. All problems do not lie in enforcement. News stories involving trucks are very seldom fair. Motorists and general public do not understand difference between tractor-trailer and truck (regardless of size) when mentioned in media. Doesn't want group to focus too much on enforcement.
- Diehl: Address driver payment- knows that this contributes to driving skills but because of federal law and transient nature of truck driving, this may not be something state law can affect. This is dictated by federal law. Sen. Hoyle introduced bill at NCTA's request to make truck speed limit in N.C. 65. Didn't pass but NCTA would like to see this happen. If can't get passed legislatively, make sure that all legal equipment can only go 68 mph.
- Jernigan: this is federal issue as well. Don't most trucks have governors?
- Miller- some do.
- Diehl: Larger companies have these put in new trucks for safety and lawsuit reasons. Cuts down on production.
- Jernigan: component of education program-convince smaller companies to self-govern by reducing speed.
- Diehl: this will not work because it decreases productivity.
- Miller: 50% crashes are hitting stationary objects not even going that fast.
- Cates: Educational initiatives- in NCDL manual, there's only one page about CMV. Just finished video about work zone driving around large combination vehicle. Issue for new drivers and older drivers.
- Jernigan: issue of no standardized curriculum for drivers ed. This and senior driving are being looked into by other working groups.

- Denning: Permit unit has enacted legislation that they hope will heavily deter drivers of overweight vehicles. Can be fined up to \$25,000. If you violate oversize permit, this is serious because vehicles harm bridges, roads, etc. Issue about 200,000 oversize permits per year.
- Jernigan: what percentage is sanctioned?
- Major: About 5%
- Denning: two mechanisms in oversize permits- weight issue and failure to have banners, flags, proper lighting, certified escort. Violation of these mechanisms invalidates permit. This is in effect. Some is new, some is about 5 years old.
- Jernigan: What is best approach to get companies to comply with oversize/overweight requirements?
- Denning: definitely enforcement.
- Major Carden: judges are not upholding enforcement. This is an opportunity for action.
- Denning: judges will eliminate fine, reduce greatly.
- Lacy: lots of issues with judges' discretion.
- Williamson: most of DMV work is with entry-level CMV drivers. About 20,000-21,000 new CDL issued per year. Thinks DMV is doing everything possible to make licensing process safe. Under current legislation, permit system isn't necessary. Knows that larger companies use extensive training programs. Thinks that smaller companies entertain entry-level drivers more often. No regulation for going through training program to obtain license. Community colleges do have programs that train drivers well but there is no law or requirement that requires training.
- Diehl: Interstate-wise, must be 21 to cross state lines but intrastate can be 18.
- Jernigan mentioned teen driving research and initiatives. From state standpoint, maybe we could do some type of documentation requirement before obtaining CDL.
- Stokes: Does CDL allow drivers to drive any type of truck?
- Williamson: there are different types of tests. A, B and C. It depends on series of tests you've taken and which class vehicle you bring to skills test. Basically same test for each size truck.
- Miller: how many hours are required driving in community college courses?
- Cates: 180 hours.
- Stokes: data on driving records of those who have taken courses as compared to those who haven't?

IV. Truckers 4 Safety

- A. Jernigan mentioned logo and SB774.
- B. T4S is new partnership with HP and FMC.

- C. SB774 requires all passengers to be buckled in front and back seats. Also requires CMV to buckle up. If not passed, HP will lose 5 million in federal funding.
- V. Proposed action
 - A. Jernigan: everyone send e-mail with top 3 or 5 CMV issues that he/she would like to see addressed by group.
 - B. Lacy thinks ideas should be sent out to group for individual ranking.
 - C. Group will send e-mail to Beth Horner.
 - D. Jernigan thinks group needs input from insurance industry.
 - E. Cates said that company could send representative from risk management.
 - F. Major Monday suggested including safety rep from trucking company as well.
- VI. Next Meeting
 - A. April 3 at 1 p.m. RBC Center in Raleigh.